

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : **CRIMINAL NO.** _____

v. : **DATE FILED:** _____

DARRYL K. BARNES : **VIOLATIONS:**

: **21 U.S.C. § 841(a)(1) (possession of more**

: **than 50 grams of cocaine base (“crack”)**

: **with intent to distribute – 1 count)**

: **21 U.S.C. § 841(a)(1) (possession of**

: **cocaine with intent to distribute – 1**

: **count)**

: **18 U.S.C. § 924(c) (possession of a firearm**

: **in furtherance of a drug trafficking crime**

: **– 1 count)**

: **18 U.S.C. § 922(g)(1) (felon in possession**

: **of a firearm – 1 count)**

: **Notices of forfeiture**

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about February 9, 2005, in Philadelphia, in the Eastern District of Pennsylvania and elsewhere, defendant

DARRYL K. BARNES

knowingly and intentionally possessed with the intent to distribute more than 50 grams, that is, approximately 116 grams, of a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 9, 2005, in Philadelphia, in the Eastern District of Pennsylvania, defendant

DARRYL K. BARNES

knowingly and intentionally possessed with the intent to distribute a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 9, 2005, in Philadelphia, in the Eastern District of Pennsylvania, defendant

DARRYL K. BARNES

knowingly and intentionally possessed a firearm, that is, a 9-mm Ruger semiautomatic pistol loaded with 15 rounds, along with two additional magazines loaded with six rounds and five rounds respectively, in furtherance of a drug trafficking crime for which he may be prosecuted in a Court of the United States, that is, possession with intent to distribute cocaine and possession with intent to distribute cocaine base (“crack”), in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 18, United States Code, Section 924(c).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 9, 2005, in Philadelphia, in the Eastern District of Pennsylvania, defendant

DARRYL K. BARNES,

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting commerce, a firearm, that is, a 9-mm Ruger semiautomatic pistol loaded with 15 rounds, along with two additional magazines loaded with six rounds and five rounds respectively .

In violation of Title 18, United States Code, Section 922(g)(1).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Sections 924(c) and 922(g)(1), as set forth in this indictment, the defendant

DARRYL K. BARNES

shall forfeit to the United States of America the firearms and ammunition involved in the commission of these offenses, including, but not limited to:

one 9mm Ruger semi-automatic pistol loaded with 15 rounds and two additional magazines loaded with six rounds and five rounds respectively.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 21, United States Code, Section 841(a)(1), as set forth in Counts One and Two of this indictment, defendant

DARRYL K. BARNES

shall forfeit to the United States of America:

(a) Any property used or intended to be used, in any manner or part, to commit, or facilitate the commission of, these violations, including but not limited to \$8,189 in United States currency, one 9-mm semi-automatic Ruger pistol, with two additional magazines, all seized from the defendant on February 9, 2005 at 2625 Manton Street, Philadelphia, Pennsylvania.

(b) Any property constituting, or derived from, any proceeds obtained directly or indirectly as a result of the violations of Title 21, United States Code, Section 841(a)(1), as charged in this indictment, including but not limited to \$8,189 in United States currency seized from 2625 Manton Street, Philadelphia, Pennsylvania on February 9, 2005.

2. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant:

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with, a third party;
3. has been placed beyond the jurisdiction of the court;
4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be divided

without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

All pursuant to Title 21, United States Code, Section 853.

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney